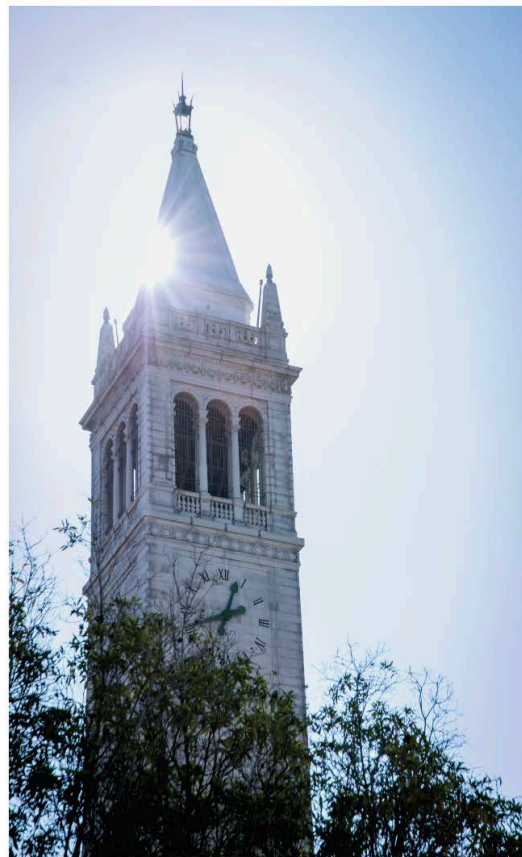


# STAFF OMBUDS OFFICE



## 2016-2018 BIENNIAL REPORT

SARA THACKER, DIRECTOR & OMBUDSPERSON

JULIA HORVATH, INTERIM ASSOCIATE OMBUDSPERSON

EVAN LUTZ, ASSISTANT OMBUDSPERSON

Staff Ombuds Office  
University of California, Berkeley  
2350 Bowditch Street  
Berkeley, CA 94720-5140

Phone: (510) 642-7823  
<http://staffombuds.berkeley.edu>

#### Photo Credits

Cover Images, clockwise from top left: Bart Nagel/UC Berkeley: Macchi Bears;  
Keegan Houser/UC Berkeley: Campanile Bells, Campanile with Sunlight, Poppy  
in West Crescent Gate, University of California Founding Seal.  
Other images by Keegan Houser/UC Berkeley: Sunset, p.23

# Table of Contents

- MESSAGE FROM THE DIRECTOR.....2
- EXECUTIVE SUMMARY .....3
- STAFF OMBUDS OFFICE OVERVIEW ..... 4
- ACCOMPLISHMENTS AND ACTIVITIES .....5
  - SATISFACTION WITH OMBUDS SERVICES.....5
  - OUTREACH.....6
  - CAMPUS TRAINING.....6
- OFFICE UTILIZATION.....7
  - PERSONS SERVED AND APPOINTMENT TYPES ..... 7
  - DEMOGRAPHICS..... 8
- ANALYSIS OF PRIMARY WORKPLACE CONCERNS..... 12
  - REFRAMING PERCEPTIONS OF INCIVILITY .....14
  - IMPACT OF WORKPLACE INCIVILITY ..... 15
- OBSERVATIONS AND SYSTEMIC RECOMMENDATIONS.....16
  - INTEGRATE CONDUCT AND PERFORMANCE MANAGEMENT.....16
  - PROVIDE UPWARD FEEDBACK MECHANISMS.....18
  - ELIMINATE INEQUITIES CAUSED BY STAFF SHORTAGES.....19
  - CREATE CONSTRUCTIVE FEEDBACK MECHANISMS FOR STUDENT WORKERS.....20
- PROGRESS ON PRIOR RECOMMENDATIONS ..... 20
  - CULTIVATING A CULTURE OF TRUST & ACCOUNTABILITY.....20
  - IMPROVE PERFORMANCE MANAGEMENT .....21
  - INCREASE ACCESS TO PROFESSIONAL DEVELOPMENT..... 22
- CONCLUSION..... 22

# Message from the Director

This year marks the 150<sup>th</sup> anniversary of the University of California with its first campus here at Berkeley. As we walk through campus, we are reminded of Berkeley's historic accomplishments and the impact of notable faculty, staff, and students.

Like many who work at Berkeley, the Staff Ombuds Office is guided by our University motto *Fiat Lux—Let There Be Light*. Through this report, we bring new perspectives and information to light and propose systemic solutions to improve work conditions that enable staff to thrive. As one of the largest employers in the East Bay, Berkeley is not only a beacon of opportunity for promising young minds and renowned faculty, it is a beacon of opportunity for talented employees.

By increasing understanding around issues that impact staff and working together to find systemic solutions, we are better able to achieve the Chancellor's goal: to build a community in which every individual and group on our campus feels welcomed and valued.

With warm regards,



Sara Thacker, J.D., LL.M.  
Director & Ombudsperson  
Staff Ombuds Office  
University of California, Berkeley



***“Guided by the motto Fiat Lux, our duty is to bring new knowledge to light...to illuminate solutions for bettering the human condition...”***

**~ Berkeley 150  
Celebrating 150  
Years of Light**





# Executive Summary

Between July 1, 2016 and June 30, 2018, the Staff Ombuds Office served 452 employees, providing a total of 802 confidential appointments. The Staff Ombuds Office worked with these employees to develop constructive conflict resolution strategies, engage in problem solving, and facilitate communication to address workplace concerns. Satisfaction with ombuds services remains high, with 96% of survey respondents stating that they were better able to handle their issue following a discussion with an ombudsperson and 99% stating that they would use the Staff Ombuds Office again or refer others.

While the data contained in this report reflects concerns brought by a small sample of Berkeley employees, the Staff Ombuds Office uses this data to help identify workplace trends and systemic issues. Since 1998, respect and civility has been the number one concern employees expressed at the Staff Ombuds Office. As a result, this report includes an analysis of the relationship between respect and civility and other employee concerns. It also provides research about the organizational impact of workplace incivility and constructive approaches to address this problem.

The Staff Ombuds Office analyzes each of its 452 cases to evaluate whether the root cause of a workplace problem stems from organizational policies, procedures, or cultures. From this systemic issue analysis, the Staff Ombuds Office provides possible solutions and recommendations, including:

- Expanding performance management to include evaluation of conduct
- Providing upward feedback mechanisms to address workplace concerns
- Eliminating inequities caused by staff shortages
- Creating constructive performance feedback mechanisms for student workers

In addition, this report describes actions taken to address prior recommendations, including cultivating a culture of organizational trust and accountability, improving performance management, and increasing access to professional development.

The recommendations contained in this report address some of the systemic issues that interfere with individual and organizational effectiveness. With this report, current and future leaders can be better informed of employee concerns and develop solutions to address them.

# Staff Ombuds Office Overview



Established in 1984, the Staff Ombuds Office is an independent department that provides informal conflict resolution and problem-solving services for all staff, non-senate academics, and faculty who perform management functions. The Staff Ombuds Office is strictly confidential and is a safe place to voice and clarify concerns, understand conflict situations, and find effective ways to respond. Ombuds services include:

- Conflict analysis
- Strategies to resolve and prevent disputes
- Identification of options and information
- Effective conflict and communication coaching
- Mediation
- Group facilitation
- Tailored trainings in conflict resolution
- Resource referrals

As a designated neutral, the Staff Ombuds Office does not take sides or advocate on behalf of any individual. Based on general observations from its caseload, the Staff Ombuds Office provides regular feedback to University officials and the campus community. Since 1993, the Staff Ombuds Office has published reports regarding workplace conflict issues and recommendations for systemic change.

The Office is wheelchair accessible. Language translation and ASL interpretation services are available free of charge. Informational flyers are also available in Spanish and Chinese.



The Staff Ombuds Office abides by the International Ombudsman Association Standards of Practice and Code of Ethics, including:

**Confidentiality:** The Staff Ombuds Office holds all communications with those seeking assistance in strict confidence unless the Ombudsperson determines there is an imminent risk of serious physical harm. Communications made to the Ombudsperson do not place the University on notice.

**Impartiality:** The Ombudsperson is neutral, impartial, and unaligned in the handling of staff conflicts, disputes, or issues.

**Independence:** The Staff Ombuds Office is independent from other University entities or authorities. The Ombuds Office reports to the Associate Chancellor for administrative purposes only and does not report on the substance of individual cases or concerns.

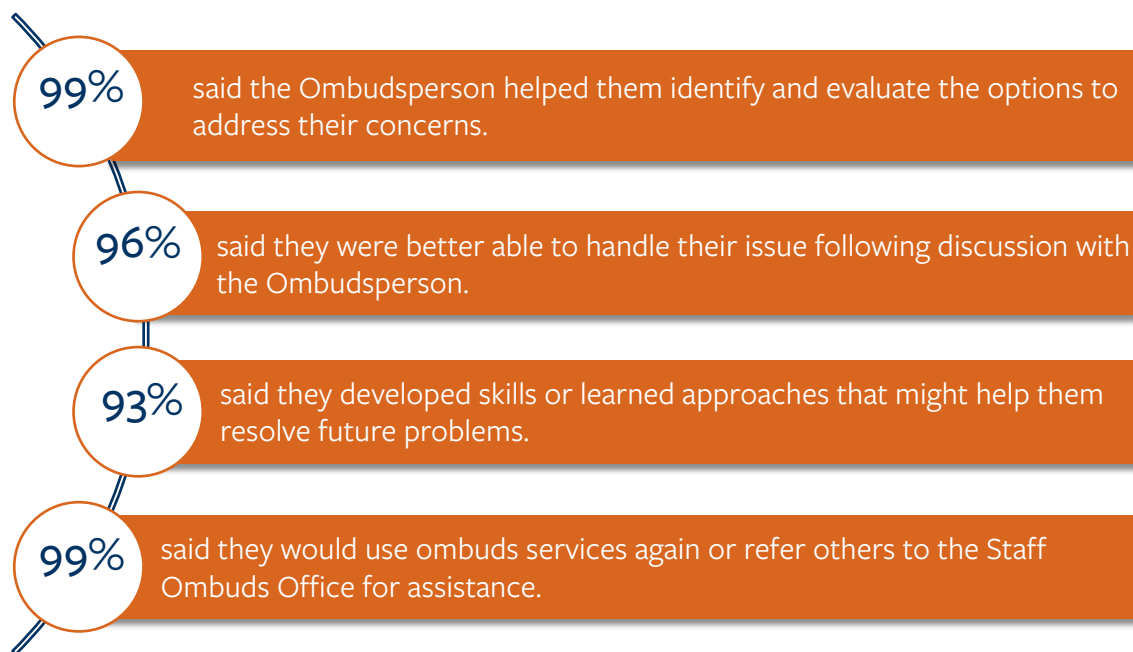
**Informality:** The Staff Ombuds Office assists individuals in resolving conflicts at informal levels. While the Ombuds Office may refer individuals to formal grievance resources, it does not participate in any internal or external investigative or adjudicative procedures.

# Accomplishments and Activities

The Staff Ombuds Office works diligently to support the problem-solving and conflict resolution capacities of Berkeley employees and the broader campus community. Outlined below is a summary of the Office's accomplishments from July 1, 2016 – June 30, 2018, covering FY 17 and FY 18.

## Satisfaction with Ombuds Services

The Staff Ombuds Office provided Assessment of Services surveys to 420 employees. Thirty-five percent or 146 employees responded to the survey.



Many employees expressed the sentiment that if they had not used the Office they would have handled their situation less positively, leading to escalating conflict, personal frustration, and stress.

*The Ombudsperson helped me articulate my thoughts and concerns in a professional and constructive manner. I felt very comfortable talking to the Ombudsperson and appreciate the strategies I was able to learn and implement at work.*

*I found it very helpful to strategize with the Ombudsperson how to best respond in my challenging situation to keep in line with my desired outcome.*

*The Ombudsperson helped me to see opportunities in what felt like a hopeless situation. Thank you for your kindness, for listening and for the confidence I was able to find in myself.*

## Outreach



The Staff Ombuds Office made 10 presentations about its service at New Employee Orientation, reaching 412 participants throughout the two-year reporting period.



The Staff Ombuds Office conducted outreach to departments and provided information about trends and systemic issues to several staff organizations and advisory groups, including Alianza, the Asian Pacific American Systemwide Alliance (APASA), the Black Staff and Faculty Organization (BSFO), the Berkeley Staff Assembly (BSA), and the Chancellor's Staff Advisory Committee (CSAC), reaching 117 employees.



The Staff Ombuds Office tabled at large venues such as the Annual Staff Summerfest, Bridging the Gap Information Fair, and the Intersect Conference.



The Staff Ombuds Office consulted with more than 35 campus leaders and subject matter experts to promote systemic change and a positive working environment for all UC Berkeley employees. The University of California Office of the President (UCOP) and other UC campuses also consulted the Staff Ombuds Office to bolster efforts to improve the workplace climate on their own campuses and systemwide.

*As always, I find meetings with the Staff Ombuds Office invaluable for thinking through strategies and solutions to problems in my work climate. In my experience, it has been the most helpful resource on campus.*

## Campus Training

During this reporting period the Staff Ombuds Office presented 18 classes open to all members of the campus community with a total of 335 participants, and three tailored trainings serving an additional 40 employees. Participant evaluations averaged 9 out of a perfect score of 10. Core campus classes offered included:

- *Workplace Civility: Respect in Action*
- *Identifying and Addressing Workplace Bullying*
- *Dealing with Disputes and Disagreements*
- *Collaborating Effectively in the Workplace*
- *Culture and Conflict Resolution*
- *Conflict Competency for Teams*
- *Email Civility*

The Staff Ombuds Office also provided a webinar entitled *New Developments in Addressing Workplace Bullying* for UCOP's Employment Practices Improvement Committee (EPIC), reaching 124 participants systemwide.

*What I'll immediately be able to apply from the workshop is to focus on behavior, not the individual, and articulating expectations within the context of finding a positive way to move forward.*

*I really liked getting together and discussing issues we see in the workplace and eventually tying it all together at the end with [some] real life practice.*

*[The training] honestly went above my expectations. It helped me to reflect and look at conflict as positive.*

# Office Utilization

The Staff Ombuds Office tracks not only how many people utilize its services, but also the number and types of appointments made from year to year.

## Persons Served and Appointment Types

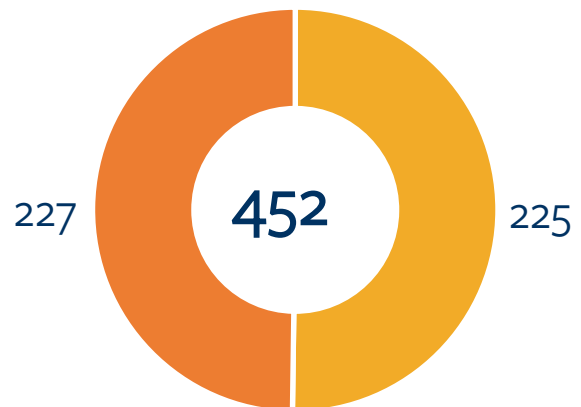
Following are some of the notable results from data collected from July 1, 2016 – June 30, 2018, covering FY 17 and FY 18.

The Staff Ombuds Office served a total of 452 employees during this report period with a total of 802 appointments. While the number of persons served was quite even between the years, repeat appointments dropped from 207 in FY 17 to 126 in FY 18, a decrease of 81 appointments or 39%.

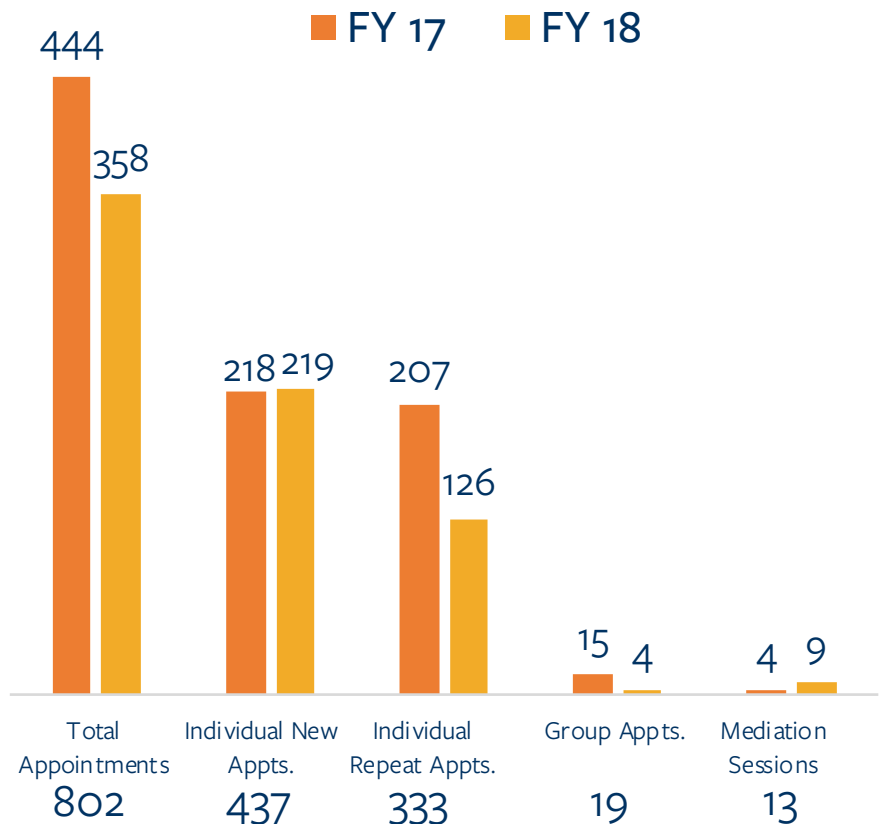
During these fiscal years, the Staff Ombuds Office was understaffed, which impacted its ability to follow-up with employees to continue to provide service, thereby reducing the number of repeat appointments it could offer. Repeat appointments comprised 48% of all appointments in FY 17 and 36% of all appointments in FY 18.

Group appointments and mediation sessions comprised only 4% of the Staff Ombuds Office caseload, yet are important services for employees. Mediation can be a highly effective method of resolving conflict and is regularly offered as an option following an individual appointment. While mediations showed a slight increase from our last reporting period — a trend we find encouraging — it is significantly lower than a decade ago. Because mediation, as all ombuds services, are completely voluntary, the Staff Ombuds Office cannot require participation in this process.

### Persons Served



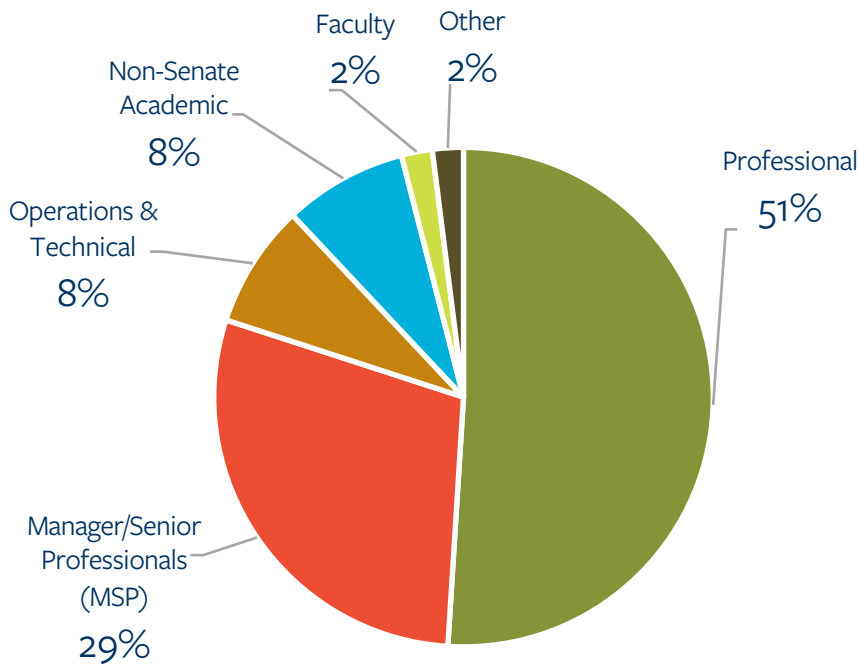
### Appointment Types



# Demographics

The Staff Ombuds Office collects demographics for employees who use ombuds services, including job groups, management status, union representation, gender, ethnicity, age, and length of service.

## Job Group

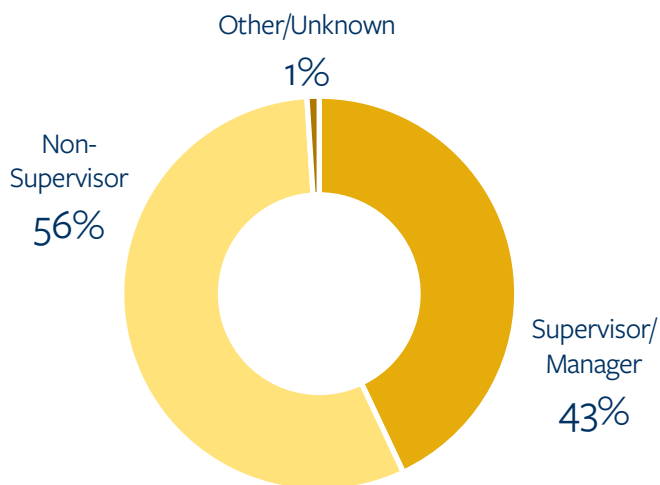


The Staff Ombuds Office helps employees regardless of management or representation status.

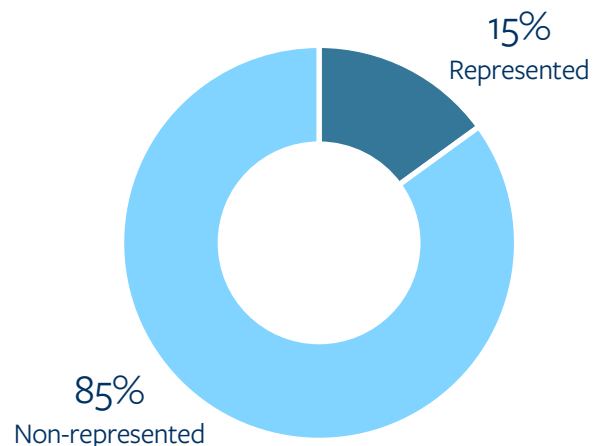
Supervisors and managers comprised 43% (192) of people served. Of these, 51% (97) were MSP; 32% (62) were in the Professional job group; and 24% (47) were Non-Senate Academics and Faculty.

Between April 2016 and April 2018, an average of 33% of campus employees were covered by a union contract.\* The Staff Ombuds Office does not intervene in issues covered by union contract, which may account for lower utilization by represented employees.

## Management Status



## Union Representation



\* Source: Cal Answers Multi-Field Analysis, Union representation for Staff, Other Faculty, and Other Academics (minus Post Docs). Retrieved from <https://calanswers.berkeley.edu/home>



## Relationships Between Parties

Employees reported concerns with individuals in the following categories:



**66%** of the cases included employees experiencing problems with **evaluative relationships**. In **52%** of those cases, employees initiated contact with the Staff Ombuds Office about their managers and in **14%** of the cases managers initiated contact about their employees. Of employees who had concerns about their managers, **29%** also happen to hold a management or supervisory position.



**22%** of cases involved concerns about **peers** who do not have supervisory authority over each other.



**18%** of the cases involved employees who were exploring **personal options or strategies**. These individuals were not in conflict with anyone but were seeking guidance for themselves or others regarding how to handle workplace problems.



**7%** of cases involved concerns between **staff and faculty**. Staff-faculty relationships are recorded separately from other employee-manager or peer-to-peer concerns because of the power differential present between staff and faculty.

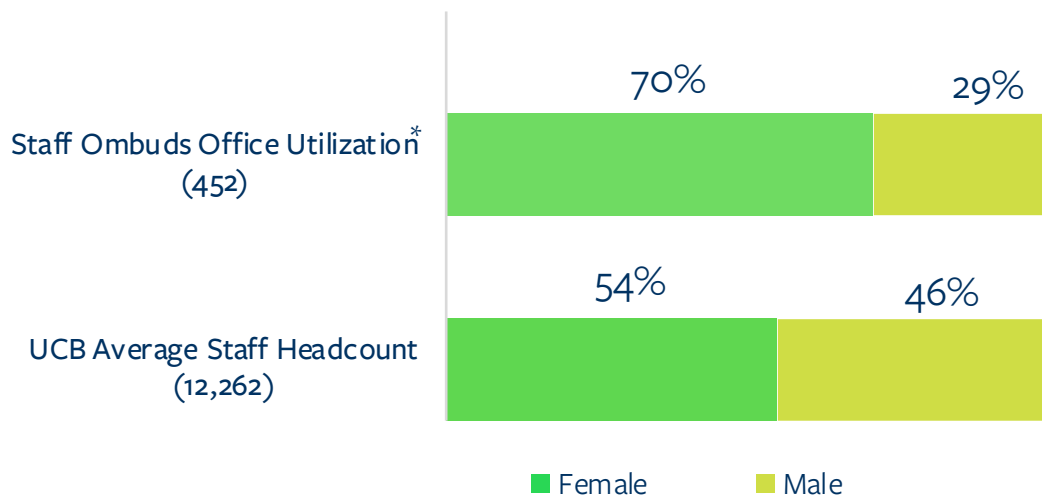


**4%** of all the cases involved **other relationships**, including staff members concerned about individuals with whom they do not have evaluative or peer-to-peer relationships (e.g., employees in other departments, vendors, outside contractors, former employees, and/or members of the public).



**1%** of cases involved concerns between **faculty** members. This is not surprising since the Staff Ombuds Office does not typically handle disputes between faculty unless staff are impacted in some way and a faculty administrator (e.g., dean or chair) is involved.

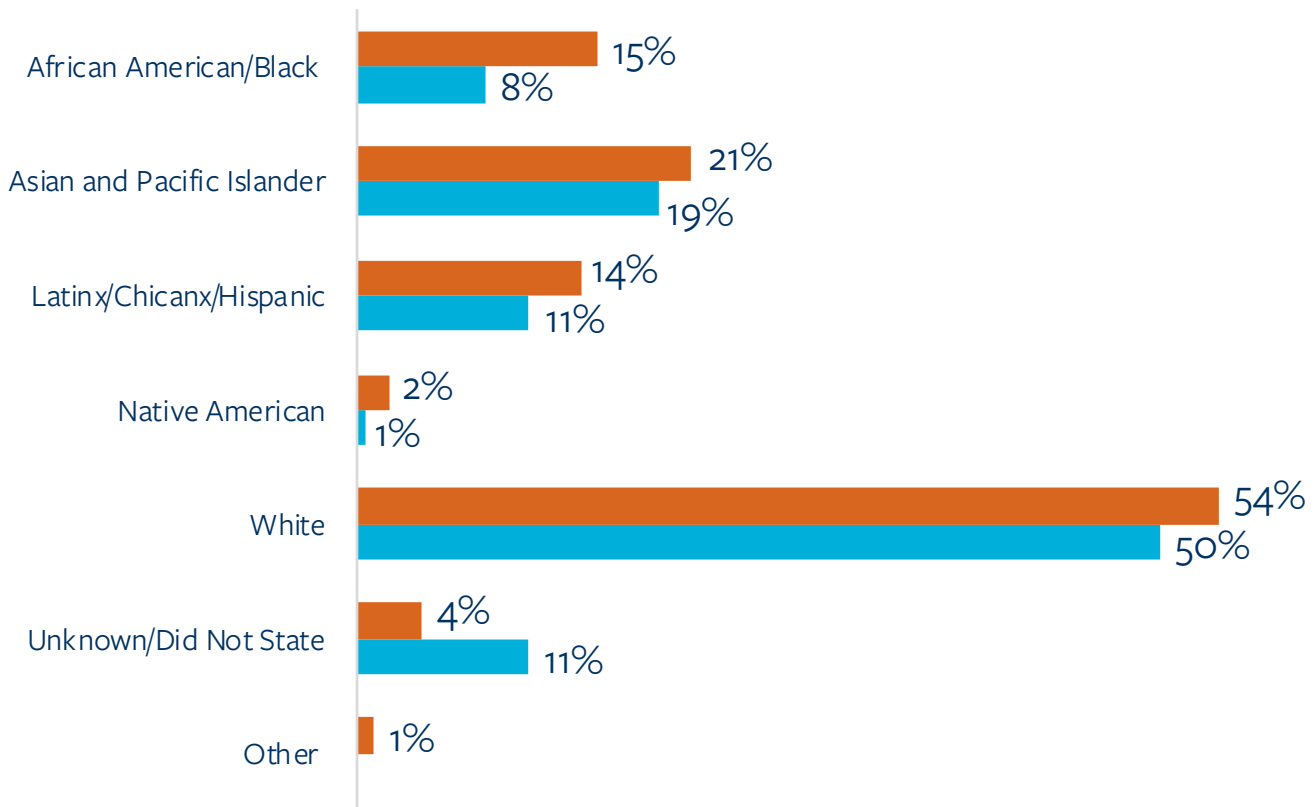
## Gender



\* Less than one percent of people using the Staff Ombuds Office selected “Other” as a gender category. Due to this small percentage and to rounding all percentages to the nearest whole number, Staff Ombuds Office Utilization does not total 100%.

■ Staff Ombuds Office Utilization (452)  
 ■ UCB Average Staff Headcount (12,262)\*

## Ethnicity



**10%** of employees who used Ombuds services selected more than one ethnic category.

The Staff Ombuds Office benchmarks to UC Berkeley Census categories, except it also includes an additional choice category of “Other” in order to allow employees to more fully express their identities.

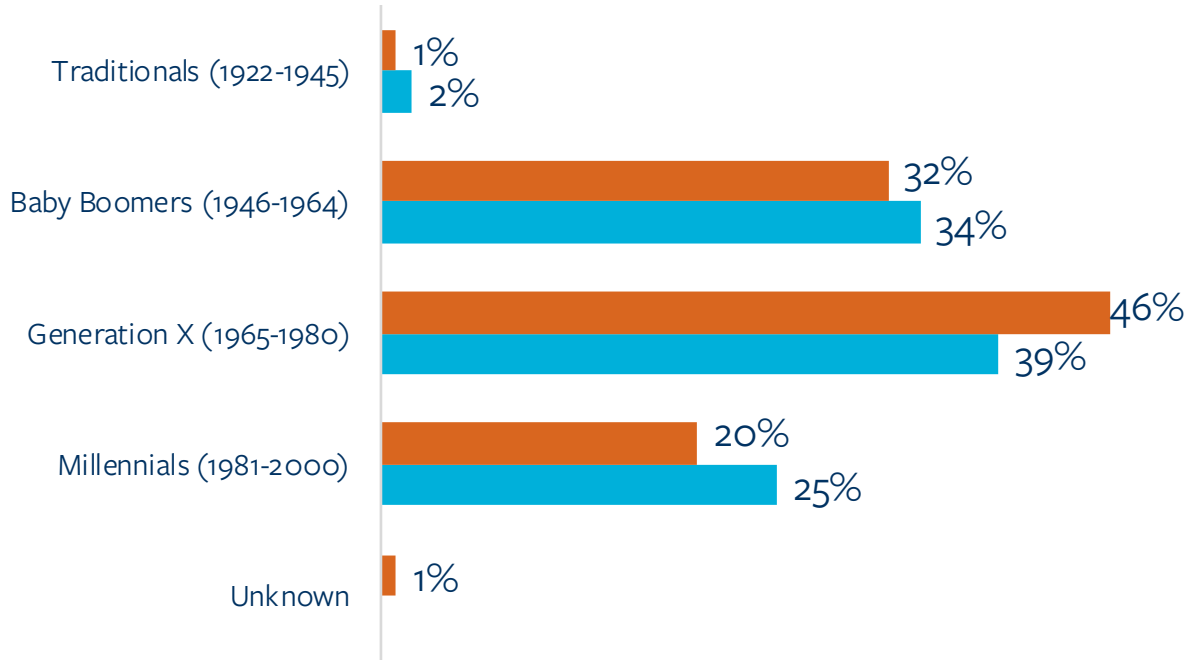
The Office meets periodically with each individual ethnic staff organization to discuss outreach efforts, hear concerns, and provide information about trends and systemic issues with customizes reports that show concerns reported by different ethnic groups.

*I have confidence that my conversations are held to high standards of confidentiality. I find staff to be highly skilled and genuine with respect to listening, demonstrating compassion, assessing the problem situation with sophisticated insight, and generating options. I am very grateful for the service of the Ombuds Office. The staff is outstanding.*

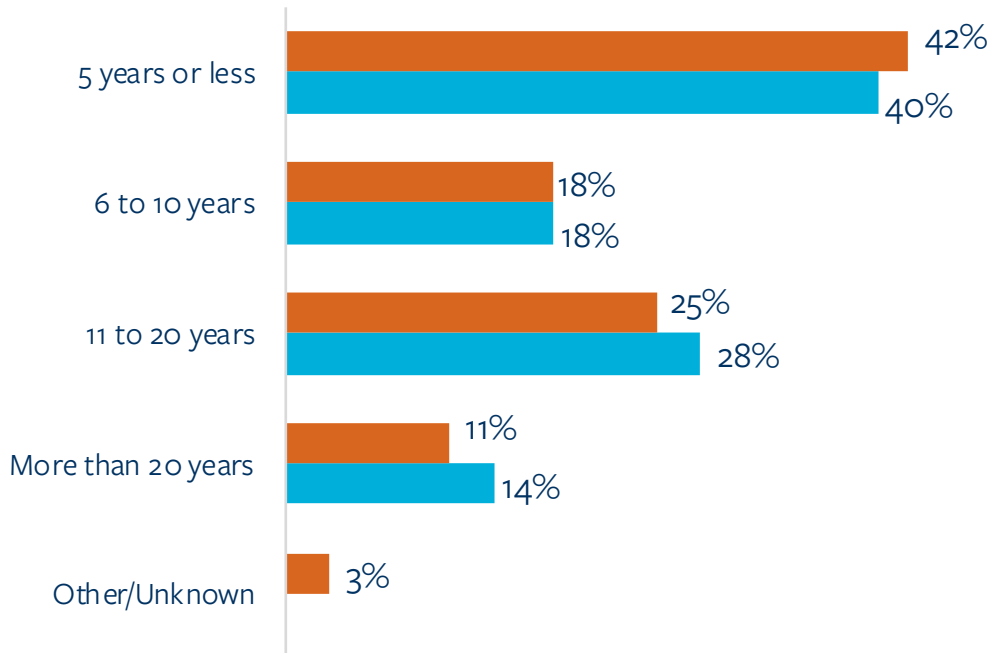
\* UCB Average Staff Headcount is based on HCM-BAIRS data and represents the average number of staff and non-senate academics employed on April 30 of 2016, 2017, and 2018.

■ Staff Ombuds Office Utilization (452)  
 ■ UCB Average Staff Headcount (12,262)\*

### Age by Generation

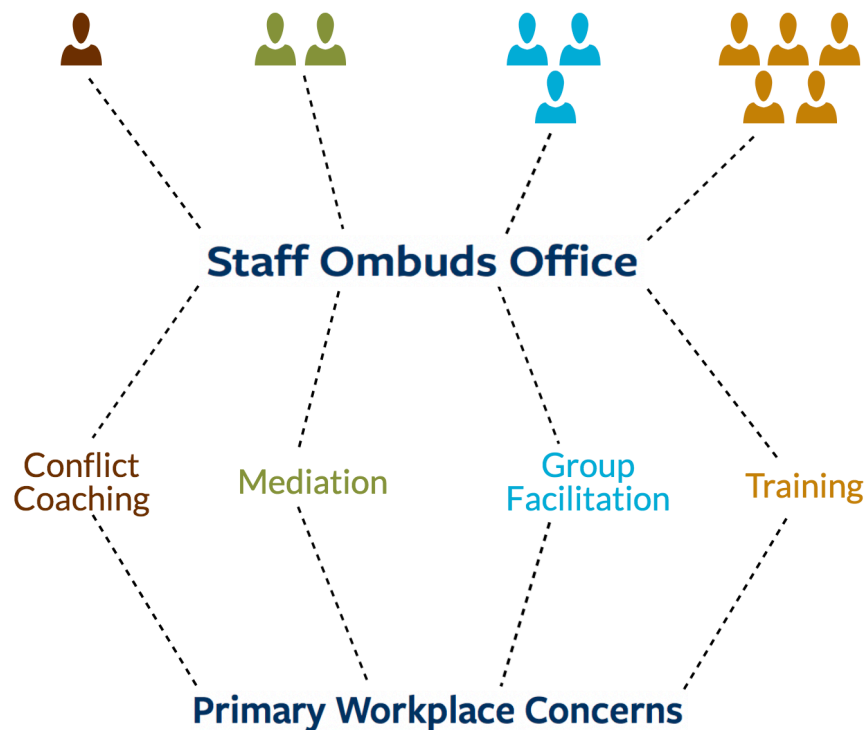


### Length of Service



# Analysis of Primary Workplace Concerns

The Staff Ombuds Office works with employees to determine which service is most appropriate to address their needs. By analyzing each case, the Office identifies workplace concerns and trends.



Employees typically bring multiple workplace concerns to the Staff Ombuds Office. Throughout the years, respect and civility has been the number one concern of all employees. Uncivil behaviors, which can range in severity, are those described as rude and discourteous, displaying a lack of regard for others experience and feelings.<sup>1</sup> In fact, 56% of the 452 cases the Staff Ombuds Office handled in this reporting period involved concerns about lack of civility and respect in the workplace. As a result, the Staff Ombuds Office decided to examine the primary workplace concerns from the perspective of respect and civility.

## Respect and Civility



more than **1** in **2** visitors  
had concerns about lack of  
respect and civility

<sup>1</sup> Andersson, L. M., Pearson, C. M. (1999). Tit for Tat? The Spiraling Effect of Incivility in the Workplace. *The Academy of Management Review*, 24 (3), 452-471. Retrieved from [https://www.sc.edu/ombuds/doc/Andersson\\_and\\_Pearson\\_1999.pdf](https://www.sc.edu/ombuds/doc/Andersson_and_Pearson_1999.pdf)

## #1 Respect & Civility

There is a strong relationship between the top workplace concerns and workplace civility. Uncivil behavior may be the source of a conflict, a symptom of poor organizational climate, a trigger causing excessive stress, and/or a block that prevents employees from better understanding differences in work styles. Rude behavior can also be the result of differences in approaching a task, or confusion over job roles and responsibilities. Following are the top workplace concerns of employees during this reporting period and their relationship to respect and civility:

Scientists who study trust have found that one of its most important components is assuming benevolent intentions from another person.<sup>v</sup> Employees are less likely to trust colleagues whose uncivil behavior is directed at them.

### #7 Trust and Integrity

Incivility yields decreased task performance.<sup>iv</sup> 68% of visitors who raised performance issues were also concerned about uncivil behavior in an evaluative relationship.

### #6 Performance Issues

**#5 Job/Role Clarity**  
Staff are expected to fulfill multiple roles and responsibilities in light of recent reductions in the workforce. Research shows that role stressors, including role ambiguities, increase uncivil behavior in the workplace.<sup>iii</sup> This mirrors Staff Ombuds Office data showing 61% of these cases involved uncivil behavior.

### #2 General Climate

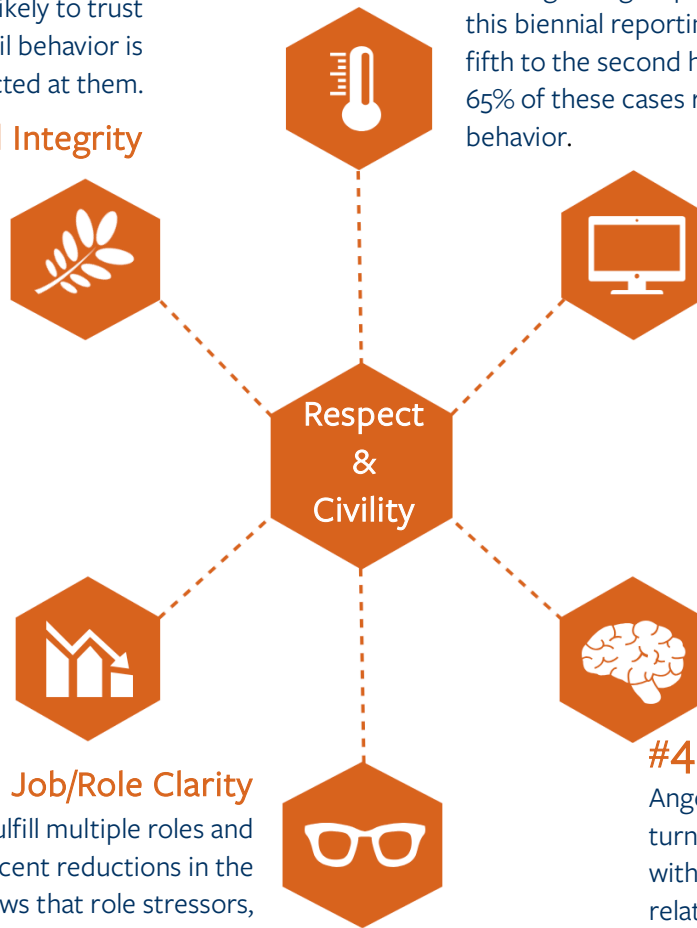
Concerns about the general work climate, which includes group morale, turnover, workplace gossip and negative group norms significantly increased in this biennial reporting period — moving from the fifth to the second highest top concern for staff. 65% of these cases related to issues of uncivil behavior.

### #3 Work Styles

Employees expressed that the way in which the job gets done matters. Research shows that there is a relationship between incivility and perceived unfairness of a work procedure or decision-making process.<sup>i</sup> 68% of cases with work style concerns also involved concerns about incivility.

### #4 Excessive Stress

Anger, fear, sadness, absenteeism and turnover are all responses associated with experiencing incivility.<sup>ii</sup> A strong relationship exists between employees experiencing excessive stress and uncivil behavior in the workplace. 70% of cases with excessive stress related to concerns uncivil behavior.



#### Sources:

<sup>i</sup>Blau, G., Anderson, L. (2005). Testing a Measure of Instigated Workplace Incivility. *Journal of Occupational & Organizational Psychology*, 78(4), 595-614.

<sup>ii</sup>Porath, C., Pearson, C. (2012) Emotional and Behavioral Responses to Workplace Incivility and the Impact of Hierarchical Status. *Journal of Applied Social Psychology*, 42, 326-357.

<sup>iii</sup>Özyer, K., Polatci, S. (2016). When Employees Engage in Workplace Incivility? The Effects of Role Ambiguity and Role Conflict. *International Journal of Business Administration and Management Research*, 2(1), 17. Retrieved from <http://researchplusjournals.com/index.php/IJBAMR/article/view/121/219>

<sup>iv</sup> See *infa* note 3.

<sup>v</sup>Zakrzewski, V. (2016, November 2). Two Gratitude Practices for Building Trust Among School Staff. Retrieved from [https://greatergood.berkeley.edu/article/item/two\\_gratitude\\_practices\\_for\\_building\\_trust\\_among\\_school\\_staff](https://greatergood.berkeley.edu/article/item/two_gratitude_practices_for_building_trust_among_school_staff)

## Reframing Perceptions of Incivility

Employees often express different perspectives on workplace concerns. Some of the perspectives presented in the table below can prevent employees from addressing incivility as they normalize, minimize, and/or dismiss the impact of incivility. The Staff Ombuds Office encourages employees to explore solutions for workplace incivility by providing research and observations that help employees shift perspectives about how to address this problem.

### Common Perceptions Research & Ombuds Observations

*It's just a personality problem.*

#### **Separate behavior from personality.**

Don't minimize incivility by labeling it as a difference in personality. You may make behavioral requests to colleagues.

*Don't let it bother you so much! It's no big deal, just get over it!*

#### **Research shows that incivility takes a toll on us.**

Our ability to recover from incivility can vary. Our brains differ in their sensitivity to stress modulators, which are commonly associated with experiences of incivility.<sup>2</sup>

*I treat people the way I want to be treated. If my intentions are good, my impact must be positive.*

#### **Align your behavior with your intentions.**

We judge our behavior by our intentions but we judge others behavior by their impact. Incivility is in the eyes of the recipient. Follow the Platinum Rule: Treat others the way they want to be treated.

*Uncivil employees are malicious.*

#### **Research suggests that incivility — inconsiderate words and deeds — arises from ignorance, rather than malice.<sup>3</sup>**

*It is acceptable to be rude when an employee is a poor performer. It motivates employees to improve.*

#### **Incivility can be the cause of performance issues.**

In a study, participants who were treated rudely performed worse, produced fewer creative ideas, and were less likely to help others.<sup>4</sup>

*I come here to work, not to make friends. Why should I care about civility?*

#### **Civility brings opportunities.**

Respectful employees have more opportunities to network, are often invited to collaborate, develop in their careers faster, and are seen more competent than uncivil colleagues.<sup>5</sup>

*You can't teach civility or prevent incivility.*

#### **Focusing on civility fosters civility.**

Create guidelines and group norms for civility even when incivility is not a problem. Contextual factors, such as established workgroup norms for civility and role clarity, can prevent incivility.<sup>6</sup>

<sup>2</sup> Davidson, R. J., Begley, S. (2012). *The Emotional Life of Your Brain: How Its Unique Patterns Affect the Way You Think, Feel and Live—and How You Can Change Them*. New York: Hudson Street Press, as cited in Porath, C. (2016). *Mastering Civility: A Manifesto for Workplace*. New York: Grand Central Publisher.

<sup>3</sup> Porath, C. (2016). *Mastering Civility: A Manifesto for Workplace*. New York: Grand Central Publisher.

<sup>4</sup> Porath, C., Erez, A. (2009). Overlooked but Not Untouched: How Rudeness Reduces Onlookers' Performance on Routine and Creative Tasks. *Organizational Behavior and Human Decision Processes*, 109, 29-44. Retrieved from <https://www.sciencedirect.com/science/article/pii/S0749597809000041?via=ihub>

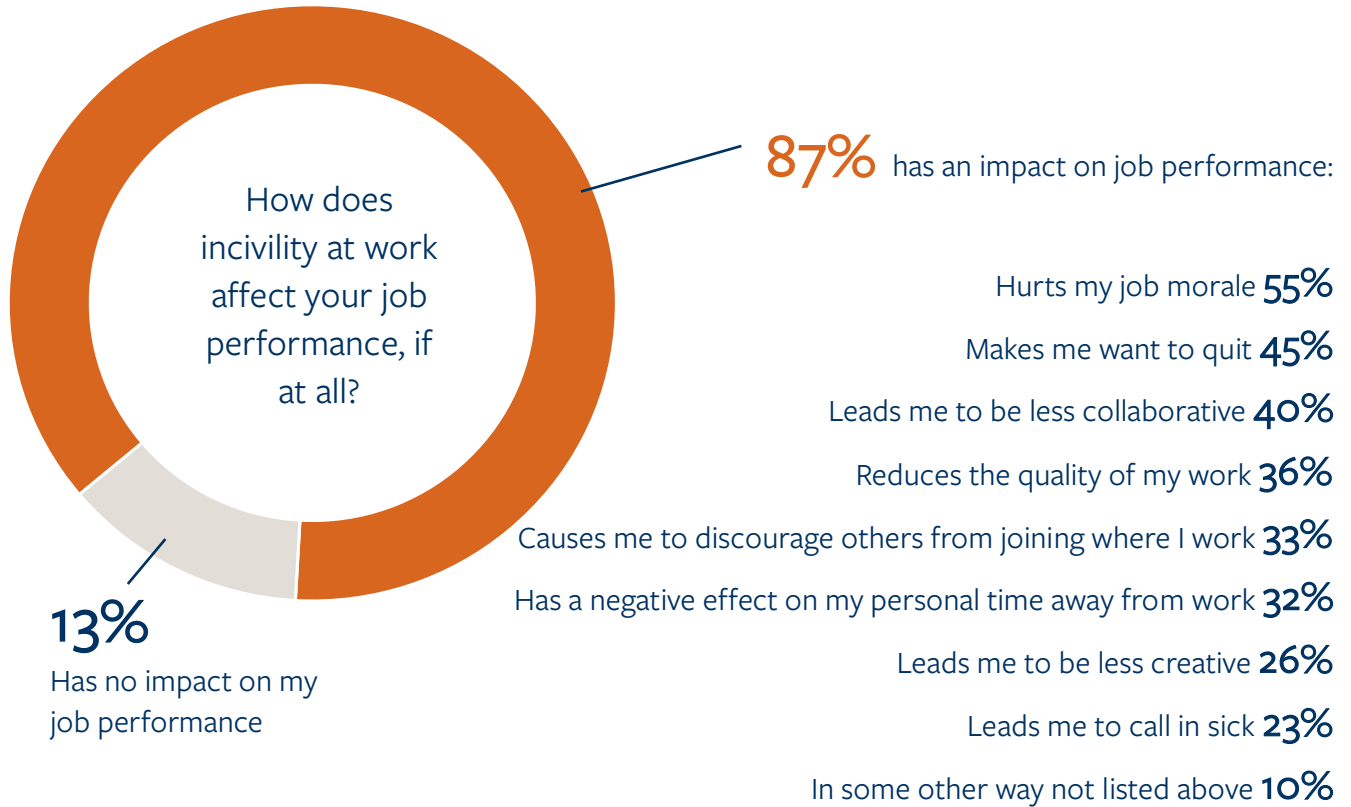
<sup>5</sup> See *supra* note 3.

<sup>6</sup> Schilpzand, P., De Pater, I., Erez, A. (2016). Workplace incivility: A review of the literature and agenda for future research. *Journal of Organizational Behavior*, 37, 57-88.



## Impact of Workplace Incivility

Incivility in the workplace leads to a variety of undesirable organizational outcomes. Research shows decreases in teamwork, morale, top talent recruitment, reputation, organizational citizenship behaviors, and job satisfaction; and increases in turnover, triangulation, gossip, and counterproductive work behaviors.<sup>7</sup>



## Unchecked Incivility Can Escalate

Incivility ranges from rude and discourteous behavior to abusive conduct, also known as workplace bullying. Fifty-six percent (56%) of all Staff Ombuds Office cases involved concerns of incivility and 17% of all cases included reports of workplace bullying.

In a nationwide study, nearly 9 in 10 respondents said that incivility leads to intimidation and threats, violence, cyberbullying and harassment<sup>8</sup>. The UC Berkeley Workplace Bullying Prevention Policy defines bullying as “a pattern of repeated behavior that a reasonable person would find hostile, offensive, and unrelated to the University’s legitimate business interests.” It is difficult to evaluate the effectiveness of this policy as Central Human Resources has not released any data regarding utilization of this policy.



<sup>7</sup> Civility in America. (2017). Retrieved from [http://www.webershandwick.com/uploads/news/files/Civility\\_in\\_America\\_the\\_State\\_of\\_Civility.pdf](http://www.webershandwick.com/uploads/news/files/Civility_in_America_the_State_of_Civility.pdf)

<sup>8</sup> *Id.*

# Observations and Systemic Recommendations

The Staff Ombuds Office identifies systemic issues by analyzing each individual case to determine whether the source of the conflict may be located at least in part in organizational policies, practices, structures, and/or culture.<sup>9</sup> The following systemic recommendations provide possible solutions that relevant units and stakeholders can use to generate new ideas to improve the campus workplace climate.

## Integrate Conduct and Performance Management



While workplace civility continues to top the list of concerns brought by Berkeley employees, the campus continues to struggle to identify and implement systemic solutions to address this problem. Managers often don't feel prepared or empowered to address unprofessional and uncivil workplace behaviors, especially in situations where an employee meets or exceeds performance expectations related to their substantive work. Too often managers excuse, ignore, or even promote employees who exhibit unacceptable behaviors because they are focused solely on whether an employee succeeds in completing the technical aspects of the job, versus evaluating an employee's conduct and how they interact and impact others. In addition, some managers may not address uncivil conduct unless or until it rises to a level of a policy violation. By failing to address conduct as a performance issue, these behaviors go unchecked resulting in an unhealthy workplace climate that threatens the unit's mission.

## Management Responsibility and Commitment

According to Dr. Laura Crawshaw, an organizational consultant and co-founder of the Consortium on Abrasive Conduct in Higher Education, addressing abrasive conduct requires a shift in management philosophy. In her work with universities and organizations, Dr. Crawshaw encourages managers to take responsibility for both performance and conduct by making a commitment to be the guardian of employees who work to fulfill the organization's mission.<sup>10</sup> This responsibility includes promoting conduct that supports the University's mission and defending against unacceptable conduct that threatens it.

Dr. Crawshaw makes clear that just as it is the manager's responsibility to set performance expectations, it is also the manager's responsibility to set conduct expectations. "If [managers] don't do this, who will?" she asks.

*I am the guardian of my organization's mission and the employees who work to fulfill it.*

*As such, it is my responsibility to promote performance and conduct that supports our mission*

*&*

*Defend against unacceptable performance or conduct that threatens our mission.*

*It is also my responsibility to provide a physically and psychologically safe environment for our employees and students.*

*It is my responsibility to monitor and manage for acceptable performance and conduct.*

*I have the right and responsibility to determine acceptable performance and conduct for my employees...*

*~ Dr. Laura Crawshaw*

<sup>9</sup> Sturm, S., & Gadlin, H. (2007). Conflict Resolution and Systemic Change. *Journal of Dispute Resolution*, 1st ser.

<sup>10</sup> Crawshaw, L. Creating a Culture of Civility at CU: Promoting Positive Management Practices. Retrieved from <http://www.ucdenver.edu/about/departments/OmbudsOffice/Documents/CU%20Denver%20Final.pptx>

More importantly, managers have a responsibility to manage problematic conduct even if the conduct does not rise to the level of a policy violation. If employees fail to meet conduct expectations and management continues to observe or receive complaints of abrasive behaviors, management has a responsibility to take action.<sup>11</sup>

Taking responsibility for conduct management is the first step to address workplace incivility and improve the workplace climate. As a result, the Staff Ombuds Office recommends that Berkeley develop its own management statement in which every manager and supervisor commits to and is educated about their responsibilities to monitor and manage conduct.

## Use the Same Process to Manage Conduct and Performance

Dr. Crawshaw advises that to create a culture of civility, managers should use the same process they do for performance management whereby they:

- *Determine conduct expectations/indicators*
- *Evaluate conduct*
- *If conduct is acceptable, **recognize and reward***
- *If conduct is not acceptable, **intervene***
  1. *Present negative perceptions of conduct*
  2. *Set limits and consequences for continued unacceptable conduct*
  3. *Offer help*
  4. *Monitor for improvement*<sup>12</sup>

The Staff Ombuds Office recommends Berkeley adopt this model or a similar one to train managers and supervisors on their responsibilities to address unacceptable employee conduct.

## Modify the Performance Review Form to Support Conduct Management

With the adoption of the new shortened online Performance Review form for non-represented employees, evaluation of core competencies, including behavioral competencies that account for conduct, have been eliminated. Employees are primarily evaluated on 3-5 SMART Goals. SMART Goals — goals that are Specific, Measurable, Achievable, Results Oriented, and Timebound — are structured in ways that account for achieving performance goals related to the technical or substantive requirements of the job, but make it difficult for managers to review conduct.

As a result, the Staff Ombuds Office recommends that Human Resources revise the Performance Review form to support conduct management by identifying core conduct competencies and providing structure for their review. Central Human Resources is currently looking at ways to integrate the concept of conduct management into its People Management Certificate Program, HR Professional Development Program, and the online performance review process.

---

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

## Provide Upward Feedback Mechanisms



Often employees do not feel comfortable discussing concerns about their manager directly for fear of retaliation or ruining their relationship with their manager. They are equally hesitant to report their concerns to Human Resources or high-level management or to provide upward feedback in a 360° evaluation process<sup>13</sup> where they could be easily identified. As a result, employees who observe problematic management behavior don't feel they have any options to have their concerns heard or addressed.

Like many organizations, Berkeley takes a traditional top-down approach to feedback: supervisors let supervisees know how they are performing throughout the fiscal year, resulting in an annual performance evaluation. Few feedback mechanisms exist that allow for supervisees to provide feedback from the bottom-up.

The Staff Ombuds Office recommends that Berkeley look to innovative organizations who have implemented anonymous upward feedback platforms. At Google, employees are asked to complete a 13-question manager feedback survey on a semi-annual basis.<sup>14</sup> In addition, new tools exist to provide anonymous, aggregate upward feedback so that employees feel safe and encouraged to inform leadership about areas in which their manager or supervisor may need development. These tools look for themes and when there are sufficient data points, management is alerted.<sup>15</sup> These types of upward feedback mechanisms allow for management issues to be addressed proactively. In addition, creating an exit interview process would also provide additional data points to ensure that problematic management practices are identified and addressed.

Finally, employees need training on how to deliver upward feedback. Ideally, employees should feel empowered to provide feedback directly to their supervisor; however, they lack the confidence or skills to do so. Providing training for staff on how to provide upward feedback would help improve employee-management relations and increase the effectiveness of these conversations. The Staff Ombuds Office is an ongoing resource for employees who would like coaching in this area. In addition, the Staff Ombuds Office provides mediations (confidential facilitated conversations) between supervisors and supervisees and supports an environment where employees feel empowered to provide feedback directly.

*Importantly, my interactions [with the Ombudsperson] built skills for managing my work place relationships, particularly with my direct supervisor. I have more confidence in my own abilities — it has changed my stance in very important ways as far as my leadership responsibilities too.*

*I wish I visited the Ombuds earlier in my career to go over work-related issues. I could have used this guidance in dealing and handling communication problems with management.*

<sup>13</sup> A 360° evaluation is a “validated and reliable survey instrument . . . that gauges principal effectiveness based on responses from multiple constituents.” Treadway, L., Stephens, D., Hedgspeth, C., Jimes, C., & Rubio, R. (2012). *A tripartite framework for leadership evaluation*. Berkeley, CA: Graduate School of Education, 6. Retrieved from

[https://principals.berkeley.edu/sites/default/files/A\\_Tripartite\\_Framework\\_for\\_Leadership\\_Evaluation.pdf](https://principals.berkeley.edu/sites/default/files/A_Tripartite_Framework_for_Leadership_Evaluation.pdf)

<sup>14</sup> Fesser, L. (2017, August 21). The 13 questions Google asks about its managers when it gathers employee feedback. Retrieved from <https://qz.com/1058760/manager-feedback-at-google-employees-are-asked-13-questions-about-their-bosses-as-part-of-a-semi-annual-review-goog-googl/>

<sup>15</sup> See e.g. Warble™ at <https://warble.work>. This tool allows employees to provide upward feedback by submitting a personnel grievance or concern directly to the offender's supervisor. When enough people have complaints about a specific individual, a notification goes out to the offender's direct supervisor that says: “Hey – there is a potential problem on your team that you need to look into.”

## Eliminate Inequities Caused by Staff Shortages



Reductions of staff in certain areas have resulted not only in increased workloads, but inefficiencies that took staff away from performing the original job they were hired to do. For example, the Staff Ombuds Office heard from a number of employees, including managers and supervisors, who expressed concern that they couldn't fully perform their job responsibilities because of the increased burden of administrative and/or lower-level duties previously performed by others.

The Staff Ombuds Office also heard from many employees who were asked to absorb higher-level work above their classification. The Staff Ombuds Office observed distinct gender differences in the way employees responded to these requests. Women primarily took on these additional responsibilities in an effort to help out without asking for a stipend, pay increase, or reclassification at the time. In fact, in FY 18, of those employees who expressed concerns about their compensation, 86% were women. Before coming to the Staff Ombuds Office, many women did not feel empowered or entitled to ask for a stipend or reclassification and felt they had little choice but to do the work requested. While these women could be described as exhibiting self-limiting behaviors, studies show “people penalized women who initiated negotiations for higher compensation more than they did men.”<sup>16</sup> This unconscious bias also impacts the outcomes of salary negotiations for women.<sup>17</sup>

In order to address large budget deficits, many departments have been forced to eliminate staff positions and redistribute work previously performed by others.

Over the past 10 years, UC Berkeley non-academic staff have absorbed the majority of cuts to the workforce, with headcount reduced 6.3% from 9,034 in 2008 to 8,462 in 2018. At the same time, the total number of students served increased 19% from 34,397 to 40,955 from Academic Year 2007-08 to Academic Year 2017-18.\*

In order to ensure that staff are recognized and rewarded for their increased job responsibilities, the Staff Ombuds Office recommends that the Equity & Inclusion Division in collaboration with Central Human Resources:

- Educate managers and supervisors about unconscious bias and its impact on salary negotiations and increase awareness around issues of equity, which could be highlighted each year around Equal Pay Day.
- Conduct and publish a study of staff salaries, including analysis by gender and ethnicity similar to reports conducted for faculty.<sup>18</sup>
- Create a transparent review process whereby employees can have an objective analysis of their salary request.<sup>19</sup>

---

<sup>16</sup> Konnikova, M. (June 10, 2014). Lean Out: The Dangers for Women Who Negotiate. *The New Yorker* (citing four joint studies from Harvard University Kennedy School of Government and Carnegie Mellon). Retrieved from <https://www.newyorker.com/science/maria-konnikova/lean-out-the-dangers-for-women-who-negotiate>

<sup>17</sup> *Id.*

<sup>18</sup> Office of the Vice Provost for the Faculty, UC Berkeley Faculty Salary Equity Study, Annual Update. (2017, August). Retrieved from <https://vpf.berkeley.edu/faculty-salary/2017-salary-study>

<sup>19</sup> Staff Ombuds Office, 2014-2016 Biennial Report, 14-15. Retrieved from <https://staffombuds.berkeley.edu/reports>

\*Source: Cal Answers, Campus Census Headcount-Trends by Job Types-Staff. Retrieved from <https://calanswers.berkeley.edu/home>

## Create Constructive Feedback Mechanisms for Student Workers



While the headcount for staff has decreased over the past 10 years, the headcount for “student titles”<sup>20</sup> has increased 37%, from 5,388 student titles in 2008 to 7,395 student titles in 2018.<sup>21</sup> Employees who visited the Staff Ombuds Office described how work previously performed by staff is increasingly performed by students. Staff expressed concerns that when student workers fail to perform, no performance management tools exist to support accountability. No process currently exists for performance evaluations for student workers, and performance goals or expectations are often not set at the time of hire. When supervisors of student workers tried to obtain support from management to hold students accountable, they were not supported either because the poor performing student would eventually graduate thereby resolving the problem or because Berkeley students are “untouchable” and there was little anyone could do hold students accountable for meeting performance expectations.

Employing students provides an opportunity for students to not only earn income, but gives them an introduction to being a part of the Berkeley workforce. At the same time, it is important that Berkeley model good performance management for students so that they have a realistic expectation of participating in the workforce. As UC Berkeley continues to rely on student workers, the Staff Ombuds Office recommends that Human Resources create management training for supervising students and performance management tools to help support supervisors and student workers.

## Progress On Prior Recommendations

The following sections provide updates on actions taken to address systemic issues identified in the last Biennial Report period, covering July 1, 2014 – June 30, 2016.

### Cultivating A Culture of Trust & Accountability

The Staff Ombuds Office suggested the following recommendations to increase organizational trust and accountability:<sup>22</sup>

- Clarify Resources, the Complaint Process, and Management Expectations
- Increase Transparency
- Ensure Consistent Outcomes to Complaints
- Strengthen HR Resources and Recommendations
- Provide Opportunities for Feedback
- Increase Awareness of Reporting Mechanisms for Retaliation and Monitor Retaliation
- Conduct Collective Case Reviews
- Hire for Accountability
- Train Managers and Supervisors on How to Prevent Abusive Conduct in the Workplace
- Inform and Engage the Campus Community
- Invest in a High-Quality Ethics and Compliance Program

---

<sup>20</sup> Student titles refer primarily to non-academic, largely clerical positions, traditionally filled by undergraduates and casual /restricted positions reserved for UC students. For full outline of categories included see

<https://wikihub.berkeley.edu/display/calanswers/Job+Census+Hierarchy+Level+1+Categories>

<sup>21</sup> Cal Answers, Campus Census Headcount-Trends by Job Type-Student Titles (excluding Grad Student Titles). Retrieved from <https://calanswers.berkeley.edu/home>

<sup>22</sup> Staff Ombuds Office, 2014-2016 Biennial Report, 17-27. Retrieved from <https://staffombuds.berkeley.edu/reports>



Following is a description of progress made to increase organizational trust and accountability:

- **Overall Accountability.** With regards to ethics and compliance, Central Human Resources has incorporated completion of UC Office of the President ethics training into the campus performance review process. For FY 19, staff who do not complete this training will not be eligible for a merit increase.
- **Inform and Engage the Campus Community.** With new leadership, the campus has greatly enhanced opportunities to provide feedback and engage and inform the campus community. For example, the University now sponsors a monthly “Campus Conversations” in which campus leaders share their vision and provide opportunities for the community to ask questions or offer feedback. In addition, the Vice Chancellor for Administration sponsored the first campus Town Hall in March 2018 and hosted the second event in October 2018. These Town Halls allow the Administration to provide updates on current projects, issues, and strategies, and to hear from staff.
- **Provide Opportunities for Feedback.** Central Human Resources reports that it will be establishing an exit survey to create greater opportunities to understand why staff leave and how the organization can do a better job supporting and engaging staff. The Equity & Inclusion Division will also be administering a campus climate survey in FY 19. Central Human Resources has created a new Employee Experience Lead position, which actively manages the dissemination of the information gathered in the system-wide and campus climate surveys. The Employee Experience Lead engages in processes to gather feedback and reactions from discussions about the campus climate and shares this data with Central HR leadership to inform planning and action.

The Staff Ombuds Office is encouraged by efforts made to provide opportunities for feedback and engage and inform the campus community. With this momentum and the Chancellor’s focus on building community, the Staff Ombuds Office hopes similar strides will be made to address past recommendations to foster a culture of organizational trust and accountability. The Staff Ombuds Office continues to hear from employees who express concerns about the lack of clarity about the complaint process. Clarifying the complaint process; increasing transparency and providing general data about the number, type, length, and outcome of complaints filed; and establishing a process to ensure consistent outcomes would continue to enhance organizational trust and accountability.

## **Improve Performance Management**

Beginning July 1, 2016, Central Human Resources established a mechanism to ensure that managers and supervisors complete performance evaluations. Supervisors who do not complete performance reviews for non-represented employees by August 31<sup>st</sup> do not receive a merit increase until the first month following completion of the performance reviews.

Central Human Resources will be piloting a new performance management process in FY 19 that will rely on continuous coaching conversations, structured check-in questions, and on-going feedback. With this process, (1) staff should no longer be surprised or blind-sided by feedback at the end of the year; (2) managers/supervisors have the opportunity to adjust goals throughout the year; (3) unclear expectations and metrics can be clarified during the year; and (4) evaluations from managers/supervisors should become more focused on overall performance throughout the year, rather than on the most recent performance. In addition, managers and supervisors will have training to learn this new coaching-based performance management model, and staff will have the opportunity to participate in training on how to engage in this new performance process. Central Human Resources is also creating an evaluation matrix to focus on four areas including job mastery, goal accomplishment, contribution, and innovation, and specific criteria under these

areas to assess management skills. A similar model is used at UC Irvine and the Staff Ombuds Office looks forward to seeing the number of complaints related to the performance management process significantly reduce as a result of this new initiative.

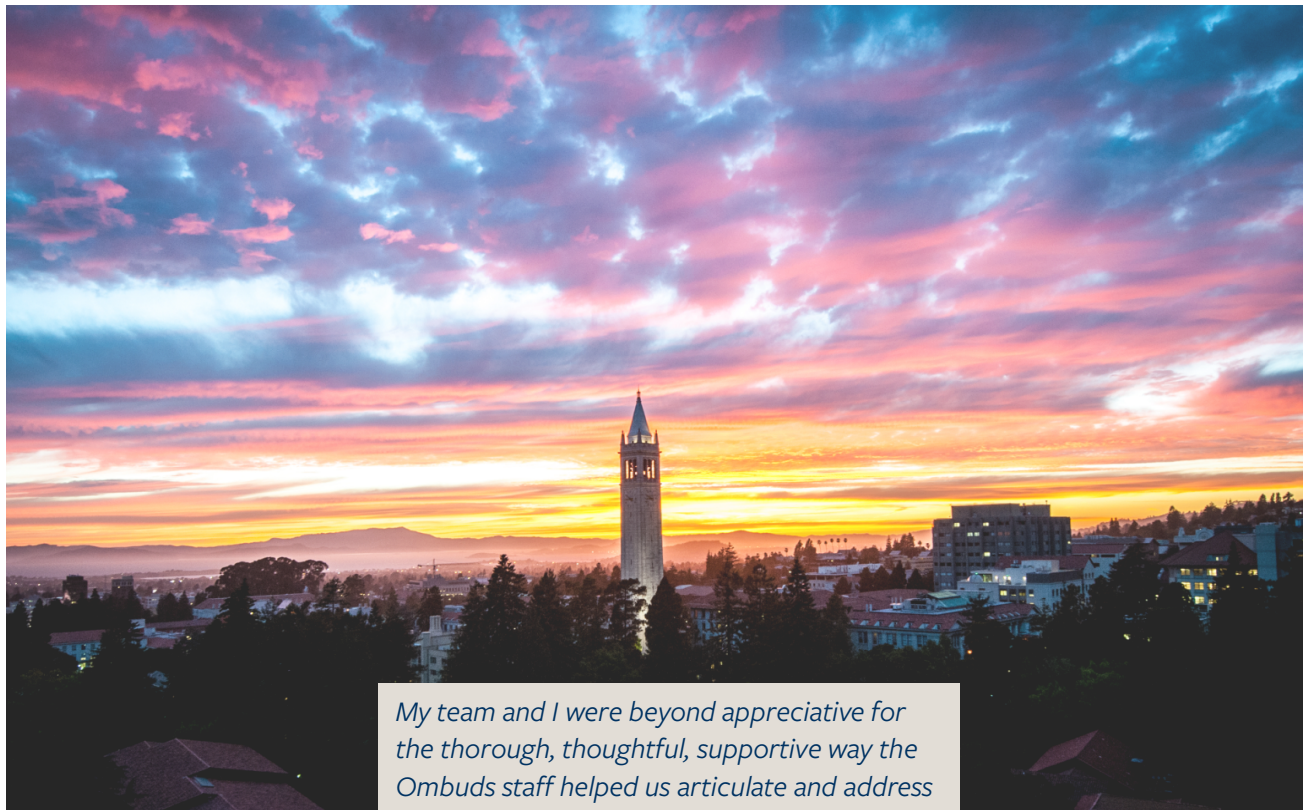
## Increase Access to Professional Development

Central Human Resources has made significant progress towards increasing access to professional development opportunities, including:

- Revisioning the HR website to include a “Grow Your Skills” section where campus staff can quickly and clearly see all opportunities available to them.
- Identifying a point person who is responsible for collecting campus learning and development opportunities and adding them to the new Training Events Calendar so that employees can more easily search for opportunities.
- Hiring an Informal & Social Learning Lead who is responsible for revisioning the way Central HR distributes informal and social learning opportunities to campus, including redesigning Wisdom Cafe to better integrate it into the campus learning culture, creating a Wisdom Cafe newsletter, and sending “push notifications” to staff highlighting learning and development opportunities.
- Holding Focus Groups regarding career development and informal and social learning.
- Hiring a Business System Analyst who is responsible for coordinating with UCOP to enhance use of the UC Learning Center.
- Sending a “Back to School” message at the beginning of the fall term to all staff highlighting the importance of staff learning and development opportunities.
- Incorporating language into numerous communications underscoring senior leadership support of learning and development for staff.

## Conclusion

While the Staff Ombuds Office offers confidential, impartial conflict resolution services and does not advocate on behalf of individuals, it does advocate for systemic change. By analyzing hundreds of employee concerns and identifying systemic issues, the Staff Ombuds Office provides valuable information for the campus community and leadership to consider. The recommendations contained in this report are just a starting point and provide options to address some of the systemic issues that interfere with individual and organizational effectiveness. With this report, current and future leaders can be better informed of employee concerns and develop solutions to address them.



*My team and I were beyond appreciative for the thorough, thoughtful, supportive way the Ombuds staff helped us articulate and address our concerns. Without the focused and productive support, we may have continued to grow angry and feel helpless rather than to rationally consider our options. I'm so grateful for the help they provided in the moment and the skills I've learned for the future.*

*All grey text box quotes that appear throughout this report are drawn from anonymous Staff Ombuds Office Assessment of Services surveys during FY 17 and FY 18.*